

Bruce W. Kelley
Nevada Bar No. 7331
ATKIN WINNER & SHERROD
1117 South Rancho Drive
Las Vegas, Nevada 89102
Telephone: (702) 243-7000
Facsimile: (702) 243-7059
bkelly@awslawyers.com

Eron Z. Cannon
Nevada Bar No. 8013
MCCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP
8337 West Sunset Road, Suite 350
Las Vegas, Nevada 89113
Telephone: (702) 949-1100
Facsimile: (702) 949-1101
eron.cannon@mccormickbarstow.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
COMPANY,

Plaintiffs,

v.

PETER MARIO BALLE, D.C., SEBASTIAN
P. BALLE, M.D., ARTHUR ROSSI, D.C.,
RICHARD CHARETTE, ELITE ATL, LLC.,
ACCIDENT INJURY MEDICAL CENTER,
INC., ACCIDENT TRIAL LAWYERS, LLC.,
ACCIDENT TRIAL LAWYERS, INC.,
REAL TIME MARKETING, INC., EXPERT
MANAGEMENT, INC., ANDREW TAYLOR,
RAMSEY AND ASSOCIATES, INC., and
DENNIS RAMSEY,

Defendants.

CASE NO.: 2:10-cv-02205-APG-NJK

**ORDER ON PLAINTIFFS' EMERGENCY
MOTION FOR PROTECTIVE ORDER
REGARDING DEFENDANTS' 30(b)(6)
DEPOSITION NOTICES**

The matter of Plaintiffs' Emergency Motion for Protective Order Regarding Defendants' 30(b)(6) Deposition Notices (#239) came on regularly for hearing on July 12, 2013 before

Magistrate Judge Nancy J. Koppe in Courtroom 3D. After reviewing the moving and responsive papers on file as well as entertaining oral argument thereon, the Court made the following rulings:

1. Plaintiffs' Motion for Protective Order is denied so long as the Defendants modify all topics to ask generally about the practices, policies and procedures of Allstate as a Company. This would include any policies and procedures that are used in the State of Nevada whether they are Nevada specific or nationwide policies.

2. The relevant time frame for the Defendants' inquiry will be from 2004 through 2010.

3. Defendants are entitled to ask general policy and procedure questions but specific factual questions that would elicit percipient witness testimony are not appropriate.

4. If it is determined that Defendants are seeking policies or procedures that no longer remain in effect or are not relevant to the State of Nevada or the type of claims which are the subject of this litigation, Plaintiffs need not produce any information as to those categories but must so inform the Defendants.

5. To the extent that Defendants seek policies and procedures and/or training materials used by claims professionals in Nevada to handle the types of claims involved in the subject litigation, Plaintiffs' Motion for Protective Order is denied to the extent that Defendants narrowly tailor these requests consistent with this Order.

6. Plaintiffs' request for protective order of Plaintiffs' financial information sought by Defendants is granted.

7. Plaintiffs' request for protective order as to any information contained within Plaintiffs' employees' personnel files or evaluations is also granted.

8. The Court has determined that any objections to attorney-client privilege and attorney work product privilege with regard to Allstate's investigation in this case are moot as Defendants are only allowed to ask about policies and procedures not what specifically occurred in this case.

//

9. Defendants shall be limited to a seven (7) hour time period for each 30(b)(6) witness identified by Plaintiffs.

Based on the foregoing, and good cause appearing therefore,

IT IS HEREBY ORDERED.

DATED this 25 of July 2013.


NANCY J. KOPPE
United States Magistrate Judge

Submitted by:

ATKIN WINNER & SHERROD

//s// Bruce William Kelley

Bruce William Kelley
Nevada Bar No. 7331
1117 South Rancho Drive
Las Vegas, Nevada 89102
Attorneys for Plaintiffs

Approved by:

E. BREEN ARNTZ, CHTD.

E. Breen Arntz

Nevada Bar No. 3853
5545 Mt. Vista, Ste. D
Las Vegas, Nevada 89120
Attorneys for Defendants

Approved by:

LAW OFFICE OF KAREN H. ROSS

//s// Karen H. Ross

Karen H. Ross
Nevada Bar No. 9299
9480 South Eastern Avenue, Suite 220
Las Vegas, Nevada 89123
Attorneys for Defendants